

## **Exhibit 4**

### **Fourth Declaration of Ron Edwards, dated November 12, 2021**

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MONTANA – BUTTE DIVISION

COTTONWOOD )  
ENVIRONMENTAL LAW CENTER; )  
MONTANA RIVERS; and GALLATIN ) Case No. 2:20-cv-00028-BMM  
WILDLIFE ASSOCIATION, )  
 )  
*Plaintiffs,* )  
vs. ) **FOURTH DECLARATION OF**  
 ) **RON EDWARDS**  
 )  
RON EDWARDS, in his official )  
capacity as Manager of the Big Sky )  
Water and Sewer District; and BIG )  
SKY WATER AND SEWER )  
DISTRICT, )  
 )  
*Defendants.* )

I, Ron Edwards, make the following Declaration pursuant to 28 U.S.C.

§ 1746:

1. I have personal knowledge of the facts set forth in this Declaration, and if called as a witness, I could and would testify to them.
2. I am the General Manager of Big Sky County Water & Sewer District No. 363 (the “District”). I have been employed as General Manager of the District since 1995. The District is a special purpose unit of government formed as a county water and sewer district under Montana law. The District encompasses approximately 6,285 acres in Madison and Gallatin Counties. The District

includes a resort community at Big Sky, Montana, consisting of single-family residences, condominiums and townhouses, hotels, restaurants, and commercial centers. The District operates wastewater and sewer systems for this community.

3. In my capacity as General Manager, I supervise the operation of the District's wastewater treatment plant, including its Water Resources Recovery Facility ("WRRF"). My duties as General Manager also include communicating and working with the Montana Department of Environmental Quality ("DEQ") on matters concerning the District and its operations.

4. The current WRRF was constructed in 1996 (tertiary filter plant) and 2004 (new sequencing batch reactor treatment plant). It treats wastewater through three stages of treatment plus disinfection to produce an effluent that meets Class A standards under DEQ Circular 2, which are the standards that apply to irrigation, including irrigation of golf courses. *See* Exhibit A-4 to my first declaration (Doc. 26-5 at 12, 14). Irrigation, including at the Meadow Village golf course, is the only means of effluent disposal from the WRRF.

5. I understand that the plaintiffs contend the District cannot apply for or obtain a discharge permit to discharge treated effluent to surface water rather than continuing beneficial reuse of the water through irrigation. This is incorrect.

6. The District previously applied for and obtained a discharge permit under the Montana Pollution Discharge Elimination System (“MPDES”) permitting process.

7. The District submitted a MPDES application for a permit to discharge to DEQ on August 3, 1998.

8. DEQ issued the District an Authorization to Discharge under the MPDES, Permit No. MT0030384, on January 15, 1999, attached as Exhibit 4-A. The permit authorized the District to discharge “from its **domestic wastewater treatment facilities** to receiving waters named **Gallatin River**.” *Id.* (bold in original). The permit was effective from April 1, 1999, and expired on September 30, 2003.

9. At the time the discharge permit was issued, the District intended to construct a pipeline approximately one mile long from the WRRF to the Gallatin River in order to discharge treated effluent from the WRRF to the Gallatin River.

10. The District’s discharge permit was subsequently extended and the District submitted a permit renewal application.

11. By letter dated October 5, 2010, DEQ sent the District a notice of termination of MPDES Permit MT0030384, attached as Exhibit 4-B. DEQ terminated the permit effective November 1, 2010, based on the District’s request to withdraw its permit renewal application, and the following facts:

The discharge structure to the Gallatin River has never been constructed and a direct discharge has never occurred from the facility.

Wastewater is land applied to the Big Sky golf course in accordance with review provided by the Department's Technical and Financial Assurance Bureau.

*Id.* DEQ further notified the District that if it planned to "reactivate a discharge to state waters from the Big Sky Wastewater Treatment Plant [the District] must complete an appropriate MPDES application." *Id.*

12. The District has not applied for another MPDES permit because the WRRF follows a "zero liquid discharge" approach, and DEQ has concluded that the District is not required to hold a MPDES discharge permit.

13. I declare under penalty of perjury that the foregoing is true and correct.

Executed this 12<sup>th</sup> day of November, 2021.



Ron Edwards  
General Manager, Big Sky County  
Water & Sewer District No. 363